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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,596	01/20/2000	Todd R. Collart	IACTP018	6028

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OPPENHEIMER WOLFF & DONNELLY  
P. O. BOX 10356  
PALO ALTO, CA 94303

EXAMINER

MA, JOHNNY

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/489,596	Applicant(s) COLLART ET AL.	
	Examiner Johnny Ma	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/20/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "418" in Figure 4, "720" in Figure 7, "1130" in Figure 11, and "1416" in Figure 14. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "326" (21:31) and "1120" (34:20,22 and 38:8). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to because the reference number "1075" indicating a block for calculating adjusted relevancy ranking score s1 should be labeled "1080," reference number "1104" in Figure 11 should be labeled "1140," and the reference numbers "330" and "335" in Figure 3 are reversed. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Information Disclosure Statement***

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4. The information disclosure statement filed 9/25/2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but only the information referred to therein that was located by the examiner, was considered.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-7, 9-15, and 17-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Schein et al. (US Patent No. 6,263,501), cited by the examiner.

Referring to claim 1, the Schein et al. reference discloses the displaying of content comprising one or more video images where a viewer is watching a television show on a display screen (22:25-26, also see Figure 17A).

The Schein et al. reference also discloses associating one or more keywords with at least one of the video images where a television program title and/or a program's content is contextually linked to an on-line service or to an available database. In this arrangement, a user, in conjunction with the data made available through an electronic program guide, can link, search, select, and/or initiate a subscription to more information relating to specific areas of interest or concerns associated with a program or program's title (14:36-44).

The Schein et al. reference also discloses utilizing a network to retrieve information relating to the at least one of the keywords where a user of an electronic program guide can conduct for information about a particular program/television show or for information relating to the show, the actors, the actresses, the show's theme, other broadcast times or sources, and other related information through selection via a user interface (14:45-50) using an on-line service or available database (14:38).

The Schein et al. reference also discloses displaying the retrieved information relating to the at least one of the keywords where a list with the search results is then displayed on a television (15:24-25).

Referring to claim 2, the Schein et al. reference discloses the step of displaying the at least one keyword associated with the at least one video image the electronic programming guide then lists a selection of choices for the user (14:66-37) that are associated with the context of the selected program and can be changed via the electronic program guide supplier (15:1-6).

Referring to claim 3, the Schein et al. reference discloses wherein the at least one keyword is displayed adjacent to the associated at least one video image where the electronic programming guide lists choices that are associated with the context of the selected program (15:1-2, also see Figures 21).

Referring to claim 4, the Schein et al. reference discloses selecting one of the displayed video images, and displaying the at least one keyword associated with the displayed video image where the user selects from the presented choices, and the electronic program guide contacts and communicates with the database of available information for more detailed information relating to the user's choice (15:7-10, also see Figure 17B).

Referring to claim 5, the Schein et al. reference discloses the step of indexing the retrieved information based on the associated keywords where a list with the search results is then displayed on a television (15:24-25). Note that index is defined as a list in Merriam-Webster's Collegiate Dictionary, Tenth Edition.

Referring to claim 6, the Schein et al. reference discloses the step of obtaining a user profile of a user, and wherein the retrieved information includes information related to the user profile of the user where the system and method of the invention may be configured to automatically or manually customize the television schedule guide to an individual viewer or a group of viewers, e.g., a family (15:41-44). The Schein et al. reference also discloses that the user may also customize specific preferences based on a program title (15:55-56) or through a user interface wherein the user answers preference or choice questions (15:59-61).

Referring to claim 7, the Schein et al. reference discloses wherein the video images are carried in a first channel, and wherein the keywords are carried in a second channel where analog or digital TV signals are received via cable, antenna, or satellite dish (6:35-36) and data for the basic schedule information and related data are received via line; they can also be provided via a satellite broadcast from satellite or wireless technology (5:52-59).

Referring to claim 9, see rejection of claim 1. The Schein et al. reference also discloses a computer program embodied on a computer readable medium where in one embodiment, a computer program provided on diskettes, a CD ROM or other medium contains the software needed for receiving, organizing and displaying data for the television schedule guide (5:38-41).

Referring to claim 10, see rejection of claim 2.

Referring to claim 11, see rejection of claim 3.

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Referring to claim 12, see rejection of claim 4.

Referring to claim 13, see rejection of claim 5.

Referring to claim 14, see rejection of claim 6.

Referring to claim 15, see rejection of claim 7.

Referring to claim 17, see rejection of claim 1. The Schein et al. reference also discloses a logic where a systems and methods for linking television viewers with advertisers and broadcasters using a computer with a processor (5:1-3, also see Figure 3).

Referring to claim 18, see rejection of claim 2.

Referring to claim 19, see rejection of claim 3.

Referring to claim 20, see rejection of claim 7.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 8 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. in view of the Advanced Television Enhancement Forum Specification. The Schein et al. reference discloses all the limitations of claims 1 and 9. However the Schein et al. reference does not disclose content utilizing the Advanced Television Enhancement Forum Content Specifications. The Advanced Television Enhancement Forum Specification discloses content that utilizes the Advanced Television Enhancement Forum Content Specifications (Page 4, see

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"Content Specification"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the systems and methods for linking television viewers with advertisers and broadcasters, as disclosed by Schein et al., using the content specification disclosed by the Advanced Television Enhancement Forum for the purpose of providing a single public standard for delivering interactive television experiences that can be authored once using a variety of tools (Page 2, see "Introduction").


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 6:00 pm (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5399 for regular communications and (703) 308-5399 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

jm  
September 26, 2002

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**